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23623 7590 09/09/2008 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER JEANTY, ROMAIN	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/016,001  
Filing Date: December 10, 2001  
Appellant(s): WANG ET AL.

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Himanshu S. Amin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 6, 2001 appealing from the Office action mailed March 13, 2008.

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**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

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The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

USPN 5,978,773	Hudetz et al	11-1999
USPN 5,974,396	Anderson	10-1999
USPN 5,963,916	Kaplan	10-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 16-20, 22, and 26-27, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of Anderson (U.S. Patent No. 5,974,396).

As to claim 1, Hudetz et al disclose:

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selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at a user terminal (i.e. receiving from a user's scanner/barcode reader) (col. 5 lines 10-29; col. 6, lines 26-32; col. 8, lines 38-43).

providing an associated table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (col. 7, lines 17-28 and col. 7, lines 64 through col. 8, line 10);

loading the associated web site address to a computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address

providing the associated web site address to a remote computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address, (e.g., displaying a web page having a URL for the user to click on to make a product inquiry; col. 7, lines 45-57) and selectively receiving additional consumer queries to allow for further refining the information inquiry (col. 7, lines 1-48),

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Anderson in the same of endeavor, discloses a consumer application subsystem which provides a mechanism by which consumers provide various demographic and other characteristic information, and a retailer querying said relational database using selected criteria, accumulates data generated by the database in response to that query. Note col. 6, lines 24-48 of Anderson. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Anderson. A person having ordinary skill in

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the art would have been motivated to use such combination in order to make business and marketing decisions based on that accumulated data.

As per claim 2, Hudetz et al disclose the bar code reader being provided at the user's terminal (see figure 1).

As per claims 16 and 21, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Anderson in the same of endeavor, discloses a consumer application subsystem which provides a mechanism by which consumers provide various demographic and other characteristic information, and a retailer querying said relational database using selected criteria, accumulates data generated by the database in response to that query. Note col. 6, lines 24-48 of Anderson. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Anderson. A person having ordinary skill in the art would have been motivated to use such combination in order to make business and marketing decisions based on that accumulated data.

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As per claim 17, Hudetz et al further disclose wherein the identifying indicia is a uniform product code (UPC) (col. 6, lines 15-20).

As per claim 18, Hudetz et al further disclose wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a web site address from among a list of identifying indicia and web site address mappings residing in a storage device (col. 7, lines 29-42; col. 8, lines 47-63; col. 9, lines 5-13).

As per claim 19, Hudetz et al further disclose wherein the web page includes at least one link to a related web page (col. 9, lines 14-22).

As per claim 20, Hudetz et al show the domain name for the links. Thus, it infers that the domain name goes through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (See figure 4; and col. 5, lines 55-65).

As per claims 22, and 34, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 24; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Anderson in the same of endeavor, discloses a consumer application subsystem which provides a

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mechanism by which consumers provide various demographic and other characteristic information, and a retailer querying said relational database using selected criteria, accumulates data generated by the database in response to that query. Note col. 6, lines 24-48 of Anderson. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Anderson et al. A person having ordinary skill in the art would have been motivated to use such combination in order to make business and marketing decisions based on that accumulated data.

Regarding claims 27, and 31-33, the claimed features are standard practice in the marketing art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in order to allow users to request and obtain product information, thereby increasing marketing sales for a manufacturer and allowing the manufactures to efficiently maximizing market profitability.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al and Anderson et al as applied to claim 1 above, and further in view of Kaplan (U.S. Patent No. 5,963,916).

As per claim 4, the combination of Hudetz et al and Anderson does not explicitly disclose providing targeted e-mails to the consumer for product announcements by the manufacturer. Kaplan on the other hand, discloses sending a product notification to a user. Note column 16, lines 16-26. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Hudetz et al and Anderson et al to include an e-mail notification as taught by Kaplan with the motivation to encourage a user to purchase certain desired products from the manufacturer, thereby increasing marketing sales for the manufacturer.



**(10) Response to Argument**

In the Appeal Brief, Appellants assert with respect to claims 1-2, 16-20, 22, 26-27 and 31-34, that the combination of Hudetz et al and Anderson fails to teach the claimed invention. Appellants supported their assertion by arguing that Hudetz et al does not teach providing the demographic information of a consumer to the manufacturer by utilizing the information inquiry.

The Examiner respectfully disagrees. Hudetz et al teaches a system in which a bar code indicia is associated with a product. The indicia encodes a UPC identification number, which is associated with the article in accordance with an extrinsic standard. A computer database is provided that relates standard UPC codes to Internet URLs or other network addresses. To access a network resource relating to a particular product, the user swipes a bar code reader across the product's UPC symbol. The database then retrieves the URL corresponding to the UPC product data. This location information is then used to access the desired resource on the network employing Domain Name Service (col. 15, lines 17 through col. 8, line 63).

Anderson in the same field of endeavor teaches receiving consumer information describing demographic characteristics of various consumers, grouping consumers into consumer clusters based on specifically defined demographics criteria and transferring the demographic information to a manufacturer (col. 2, line 56 through col. 3 line 29). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the disclosures of Hudetz to incorporate the teachings of Anderson in order to order to make business and marketing decisions.

**11) Related Proceeding(s) Appendix**

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Romain Jeanty/

Romain Jeanty  
Primary Examiner, Art Unit 3623  
September 2, 2008

Conferees:

/Vincent Millin/, Conferee Specialist

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691